

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 269

September 9, 1999, 3:50 p.m.
Page S-10684 Temp. Record

INTERIOR APPROPRIATIONS/Grazing Permits

SUBJECT: Department of the Interior and Related Agencies Appropriations Bill for fiscal year 2000 . . . H.R. 2466.
Domenici motion to table the Durbin amendment 1591.

ACTION: MOTION TO TABLE AGREED TO, 58-37

SYNOPSIS: As amended by a committee substitute amendment, H.R. 2466, the Department of the Interior and Related Agencies Appropriations Bill for fiscal year 2000, will provide \$14.058 billion in new budget authority, which is \$239.9 million less than provided last year and \$1.208 billion less than requested.

The Durbin amendment would strike section 117 of the bill. That section will require the Bureau of Land Management (BLM) to reissue 10-year grazing permits and leases under the same terms and conditions as provided in the expiring permits or leases if the BLM fails to process renewal applications for those permit and lease renewals before their expiration. (The BLM has until September 30 of this year to act on 5,360 expiring permits and leases for 1999; to date, it has analyzed and renewed 2,159.) Under section 117, the BLM will still be required to complete all the required reviews. If the BLM grants a renewal before completing the required review and then finds in the review that changes are warranted, it will have the authority to update the terms and conditions of the permit or lease in question. The BLM will retain the authority to terminate any permit or lease for unauthorized use or noncompliance. The BLM will retain the authority to provide ongoing oversight and to require changes to permits and leases when needed to address or prevent major environmental harm (the BLM regularly exercises this authority to respond to environmental conditions; when an area is in a drought, for instance, it will reduce the number of cattle under a permit that may be grazed on the permitted land). The BLM reviews will include National Environmental Policy Act (NEPA) reviews as administratively required by the Clinton/Gore Administration. (NEPA reviews include extensive environmental assessments and full-blown environmental impact statements. Congress passed NEPA with the intent that it apply to large "events" that could have a major impact on the environment. Previous Presidents of both parties have not applied the NEPA to renewals of grazing permits or leases. The current large backlog in processing renewals of grazing permits and leases is due the Clinton/Gore Administration's recent decision to

(See other side)

YEAS (58)			NAYS (37)			NOT VOTING (5)	
Republicans (47 or 92%)		Democrats (11 or 25%)	Republicans (4 or 8%)		Democrats (33 or 75%)	Republicans (4)	Democrats (1)
Abraham	Helms	Baucus	Collins	Akaka	Landrieu	Chafee- ²	Moynihan- ²
Allard	Hutchinson	Breaux	Gregg	Bayh	Lautenberg	McCain- ²	
Ashcroft	Hutchison	Byrd	Jeffords	Biden	Leahy	Murkowski- ²	
Bennett	Inhofe	Conrad	Snowe	Bingaman	Levin	Roberts- ²	
Bond	Kyl	Daschle		Boxer	Lincoln		
Brownback	Lott	Dodd		Bryan	Mikulski		
Bunning	Lugar	Dorgan		Cleland	Murray		
Burns	Mack	Feinstein		Durbin	Reed		
Campbell	McConnell	Inouye		Edwards	Reid		
Cochran	Nickles	Kerrey		Feingold	Robb		
Coverdell	Roth	Lieberman		Graham	Rockefeller		
Craig	Santorum			Harkin	Sarbanes		
Crapo	Sessions			Hollings	Schumer		
DeWine	Shelby			Johnson	Torricelli		
Domenici	Smith, Bob (I)			Kennedy	Wellstone		
Enzi	Smith, Gordon			Kerry	Wyden		
Fitzgerald	Specter			Kohl			
Frist	Stevens						
Gorton	Thomas						
Gramm	Thompson						
Grams	Thurmond						
Grassley	Voinovich						
Hagel	Warner						
Hatch							

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

require time-consuming NEPA environmental assessments, and in some cases environmental impact statements, for each renewal.) After striking section 117, the Durbin amendment would insert alternative language. It would grant up to a 2-year extension (until September 20, 2001) for any lease or permit that expired before the BLM finished processing a renewal application for it. It would also order the BLM to "establish and adhere to a schedule for completion of processing of all grazing permits and leases that have expired in fiscal year 1999 or which expire in fiscal years 2000 or 2001." The BLM, if it finds that an application meets all environmental and other requirements "may" renew the permit (current law provides that it "shall") for a "term not to exceed 10 years."

Debate was limited by unanimous consent. Senator Domenici moved to table the Durbin amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Many radical environmentalists from the East and West Coasts admit that they want to drive ranchers off of all the Federal lands in the West. In most cases, those ranchers' families have grazed their herds on the same Federal lands for generations. For environmentalists, though, that fact is irrelevant; for them, cowboys and the West just do not mix. In prior years, environmentalists tried (and failed) to get Congress to enact huge grazing fee increases in order to wipe out ranchers. After they failed in that legislative effort, they tried circumventing Congress. They got their cohorts in the Clinton/Gore Administration to twist the purpose of the NEPA by making the BLM conduct NEPA reviews as part of the grazing fee permit and lease renewal process. They thought that the BLM would find the ranches out of compliance with NEPA and would deny renewals. Much to the frustration of environmentalists, they were wrong—ranchers have been meeting NEPA requirements with flying colors.

Now, though, a new problem has emerged. The BLM is unable to process all of the required renewals on time due to the large number of expiring permits and leases that need to be renewed this year and due to the length of time it takes to conduct NEPA reviews. Unless Congress acts quickly, the BLM's inability to get its job done on time will cause thousands of ranchers to lose their leases and permits. Throughout the West, where most of the land is owned by the Federal Government, this fact means they will go bankrupt because there will not be any other grazing land available. This bill will fix that problem in a very straightforward way. It will renew a rancher's lease or permit when it expires if the BLM has not yet finished the renewal process, it will require the BLM to finish the renewal process, and then, when the process is finished, if the BLM finds that any change needs to be made to the terms and conditions of the lease or permit, it will make those changes. Our colleagues from non-public lands States have said, wrongly, that this approach would lead to environmental harm. They wrongly believe that the BLM only looks at leases and permits when it is time to renew them, and they wrongly believe that ranching activity, in general, is harmful to the environment. The truth is that the BLM continually monitors ranching activities on public lands and the condition of rangelands. It will make changes to leases and permits when needed to protect the rangeland, and in those rare cases that a rancher irresponsibly causes damage it can and will revoke a permit or lease. However, it is foolish for a rancher to cause environmental degradation because doing so destroys the foliage that his livestock needs. In most cases, ranchers add a lot of improvements to the land. The BLM has estimated that if it were not for maintenance activities on rangeland leased or permitted by ranchers, it would have to spend twice as much as it does currently to maintain that rangeland.

Based on their false belief that ranching is generally harmful, and that if full extensions are given before NEPA reviews are conducted the BLM will be unable to make changes to those extended leases and permits, our colleagues have suggested that we approve extensions of no more than 2 years, that we make it discretionary whether the BLM would have to approve a renewal that met all of the requirements, and that the permit or lease could not be for more than 10 years. That approach would harm ranchers. The value of a ranching operation is largely based on the value of its lease or permit. A rancher who had only a 2-year extension would have a much harder time getting a loan, especially if the Government had the right to deny a renewal without reason after the extension expired or give just another 1- or 2-year extension. The Farm Credit Association has confirmed that the Durbin amendment would make it much more difficult for ranchers in the West to get the loans that they need to stay in business. The current law is that ranchers whose applications for using rangeland meet all the requirements must be given the right to use it; the Durbin amendment would leave it totally up to the Clinton/Gore Administration to decide if a permit or lease would be granted or renewed.

Ranching is vitally important to the economies of the Western States. In Idaho, for instance, the main agricultural crop is cattle, not the potatoes for which it is famous, and 80 percent of those cattle have to graze on public lands for at least part of the year. Passing the Durbin amendment would give the Clinton/Gore Administration the complete, unilateral ability to destroy the cattle industry in Idaho and other Western States that have the misfortune to have the Federal Government as their absentee landlord. Secretary Babbitt, at his sole discretion, "may" renew leases, or he may deny them. Even if he renews the leases, many ranchers may be unable to get loans under short-term extensions while they are waiting for the BLM to process their applications. Our colleagues from non-public lands states tell us that they support ranching and are just trying to improve the stewardship of public lands with this amendment. We are pleased to hear them say that they have that motivation, but their motivation does not really matter. What

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matters is that their amendment would have the worst of results. Senators who support proper stewardship of public lands should oppose the Durbin amendment in favor of the underlying bill language.

Those opposing the motion to table contended:

Our colleagues say that there are some individuals and groups that want to stop all grazing on public lands. We are not among them, and this amendment has not been offered to advance that end. Like our colleagues, we support grazing on Federal lands. With this amendment, all we are trying to do is to make sure that the land is used responsibly. The BLM is required to perform NEPA reviews of renewal applications for grazing leases and permits. There are approximately 17,000 such leases and permits. Due to the large number of 10-year leases and permits that were given in the late 1980s, the BLM has a higher volume of applications than normal to process this year and next year. It is not getting the job done, and ranchers, mostly in the West, are likely to lose their leases and permits as a result. The solution that this bill proposes is simply to renew their leases until the BLM gets the job done. That solution is not acceptable. We passed the NEPA review processes for a reason. We want all public land users—environmentalists, tourists, and others—to have a chance to be involved in decisions on how our public lands are used or not used. Also, we wanted to have this process in order to stop ranchers who are causing environmental damage from being allowed to get away with continuing to cause that damage. Under the language in this bill, a rancher who is causing extensive harm to the environment will get a lease renewal for 10 years and the BLM may never get around to conducting a NEPA review. Poor ranching practices can cause great environmental harm. No rancher should be given a long-term extension unless it has been determined that he is not causing such harm. As a compromise, we have suggested in the Durbin amendment that ranchers be given extensions of up to 2 years, during which time the BLM will be required to speed up its reviews. We think that the solution to this problem is not to give extensions without review, but to make the BLM do its job. The Durbin amendment proposes that solution. We urge our colleagues to support it.